

**PLANNING AND ZONING COMMISSION  
MINUTES  
PUBLIC HEARING/GENERAL MEETING  
June 1, 2004**

PLACE: Room 206  
Town Hall

TIME: 8:00 P.M.

PLANNING AND ZONING COMMISSION MEMBERS ATTENDING:  
Damanti, Conze, Forman, Kenny, Spain

STAFF ATTENDING: Keating; and Court Reporter, Bonnie Syat

---

Mr. Damanti read the first public hearing agenda item:

**Continuation of Public Hearing regarding Special Permit Application #73-B, Coastal Site Plan Review #192, Flood Damage Prevention Application #204, Darien Boat Club, Pear Tree Point Beach, 135 Pear Tree Point Road.** Proposing to expand the existing deck on the south and west sides of the locker house and perform related site development activities within regulated areas. The subject property is located on the west side of Pear Tree Point Road, approximately 300 feet south of its intersection with Crane Road, and is shown on Tax Assessor's Map #60 as Lot #45, R-1 Zone.

Mr. Damanti noted that this is a continuation of the public hearing on this matter, and then recused himself from this matter, as he has represented the Boat Club in the past. Mr. Conze then chaired the meeting. Mr. Keating explained that a few days ago, the Board of Selectmen visited the site and had no comments for Planning and Zoning to consider. There are two separate aspects to this project—the deck/ramp expansion, and the lease area. Only the deck/ramp expansion is being proposed in this application. The Selectmen are considering the lease matter. Mr. Cassone, the applicant's representative, said that the project is quite simple.

There were no questions from Commission members or the general public. Mr. Spain then made a motion to close the public hearing. That motion was seconded by Ms. Forman, and unanimously approved.

Mr. Damanti then returned to the room and read the next agenda item:

**Mandatory Referral under Section 8-24 of the Connecticut General Statutes, Board of Selectmen, Cherry Lawn Park--120 Brookside Road.** Proposing to fill and regrade to expand Casey Field, and perform related site development activities. The Cherry Lawn Park property is on the east side of Brookside Road directly across from its intersection with Overbrook Road, and is shown on Tax Assessor's Map #11 as Lot #31, R-1 Zone.

Ms. Susan Swiatek, Parking & Recreation Administrator, noted that in January of 2004 Land Filling & Regrading Application #111 was approved by the Darien Planning & Zoning Commission. In September of 2003 an EPC permit was granted for the expansion of Casey Field. She noted that in several places, including on page 146 of the 1995 Darien Town Plan of Development, it notes that there is a recommendation to expand the play field including Casey Field. The 1996 Parks Recreation and Open Space Plan also specifically calls for the expansion of Casey Field.

PLANNING AND ZONING COMMISSION  
MINUTES  
PUBLIC HEARING/GENERAL MEETING  
JUNE 1, 2004  
PAGE 2

Ms. Swiatek noted that nothing has been changed from the design approved by the Planning & Zoning Commission a few months ago. Mr. Damanti then asked if there were any questions from Commission members, and there were none at this point.

Ms. Flora Smith of 42 Hamilton Lane then asked how the wetland lines were drawn, and what was the source of the wetlands delineation. Ms. Smith then submitted signatures of 247 residents requesting a Traffic and Safety Study at Cherry Lawn Park. Mr. Spain then asked Ms. Smith how a Traffic and Safety Study would relate to whether the field expansion within the Park complied with the Town Plan of Development. Ms. Smith responded that there have been many changes to Cherry Lawn Park since the 1995 Town Plan had been adopted. She would want a Safety Study done before this project is commenced. Ms. Smith explained that the issue of expanding the field is not just a neighborhood issue as there were signatures obtained from residents who live throughout the community. She said that the question is how much passive land is within the park versus the amount of active land. She also asked how the expanded field compliments the Nature Center and other uses within the Park.

Ms. Smith claimed that the Planning & Zoning Commission approval calls for the Park & Recreation Commission to study and address the uses the park and the parking situation. Ms. Smith noted that in the newspapers Sallie Raleigh is now quoted as saying that high school students may use this field. Ms. Smith then referred to photographs taken this Spring showing parking on site. She explained that there are only 54 parking spaces for use by Park patrons (other than the 24 or 25 spaces on the Nature Center side of the property). She explained that there is a need to preserve mature trees and their existing drip lines extend over the proposed play area. Ms. Smith alleged that the EPC reluctantly granted approval and then this project went to the Planning & Zoning Commission for a Filling and Regrading permit. Ms. Smith explained that she believes that playfields with grass that is closely cut is considered an impervious surface. She noted that on certain occasions SUVs would be parked on both sides of the roadway within the Park, and she believes that there was not enough parking. She claimed that children would need to walk on the roadway within the Park to get to the bathrooms at the Nature Center. She is concerned for children's safety.

In response to a question from Mr. Conze, Ms. Smith acknowledged that expanding the playing field is fully consistent with the language within the 1995 Town Plan of Development, but that circumstances have changed since 1995. Ms. Smith repeated the desire for a Traffic Study and the combination of issues presents a concern to her. Mr. Spain explained that it is not a Planning & Zoning Commission function to regulate scheduling or types of games on a field. The use on-site is already approved as a park, and who uses Casey Field and when they use it becomes an operational issue, which is not a Planning & Zoning Commission function. Operational issues related to parks are a function of the Park & Recreation Commission and their administrator, Sue Swiatek. Ms. Smith then asked why there was a limit on the Nature Center hours and parking. Mr. Spain responded, because the Darien Nature Center (which is not a Town of Darien operated facility) is a Special Permit use. Cherry Lawn Park and the fields within it are a permitted use according to the Darien Zoning Regulations.

Mr. John van der Kieft then spoke and explained that he shares Ms. Smith's concerns. He said that the EPC approval was based upon intensification of use for more fields. He then read from a

PLANNING AND ZONING COMMISSION  
MINUTES  
PUBLIC HEARING/GENERAL MEETING  
JUNE 1, 2004  
PAGE 3

written statement and noted that there will be expanded use for other age groups. He believes that there will be more traffic generated from this field expansion.

Mr. John Schlachtenhaufen explained that in recent projects for Baker Field and McGuane Field more parking was added. Ms. Swiatek responded that better parking was created where existing parking lots were properly lined, asphalted and made more clear, but no new parking was created at Baker Field.

Mr. David Gebauer of 7 Woodland Drive explained that he visits Cherry Lawn Park about four times each day. He has never seen all of the parking spaces occupied nor seen parking on Brookside Road. He explained that some drivers do not use the parking spaces but instead park conveniently along the curb of the internal roadway within the park, close to the field. He believes that there are enough parking spaces but people need to use them rather than parking adjacent to the field.

Ms. Phyllis Wright explained that she is an RTM member and said that the Town Plan of Development is a guideline and not a check list or directive. She explained that under the State Statutes, the RTM ratifies the Town Plan of Development.

Ms. Karen Armour identified herself as the Moderator of the RTM. She too acknowledged that the Town Plan is not a directive and that different actions may be appropriate depending on the different circumstances.

Mr. Bob Johnson of 8 Meadowbrook Road explained that he was on the Board of the Darien Nature Center and on the Republican Town Committee. He believed that there is clearly a safety issue, particularly on Friday afternoons. He said that on occasions, parking occurs on the roadway and the grass fields.

Ms. Sonia Smith of 12 Oriole Lane explained that she is very concerned about the safety of more children coming to and using the expanded field.

Ms. Sylvia Scudder of 9 Wood's End Road then submitted a Verified Petition to Intervene per Section 22(a)-19 of the Connecticut General Statutes.

Ms. Flora Smith said that things can be added to the Town Plan of Development and things can be approved if not already part of that Town Plan. She explained that other aspects of the Town Plan have not been implemented that would have replaced the open space. Ms. Forman responded that this project is clearly consistent with the Town Plan and the only issue is scheduling of use of the park area. Mr. Damanti then read from pages 82, 83 and 84 of the Town Plan of Development regarding the need to expand Casey Field and he also read from page 142 which talked about the expansion of Casey Field. Ms. Smith then explained that the Town Plan does not say to expand the field to whatever size and/or intensity and she believed that the intensity will be completely different than envisioned.

Ms. Cheryl Russell, Chairman of the Park & Recreation Committee of the RTM said that her committee supports the expansion. She then spoke as a citizen of the Town and noted that the Park & Recreation Commission has a plan for each park. Some of the plans cannot be implemented due

PLANNING AND ZONING COMMISSION  
MINUTES  
PUBLIC HEARING/GENERAL MEETING  
JUNE 1, 2004  
PAGE 4

to a lack of funds. Ms. Russell said that this proposal is a compromise from what was originally intended at Cherry Lawn Park, which was three fields. Ms. Russell explained that there will probably be a waiting list in the fall for some sports but there is not one currently due to baseball season. She said that this is not a mandatory referral request regarding parking, it is solely regarding the field expansion.

Mr. John van der Kieft explained that the town's population is a very fluid situation and the population has changed since 1995. He believed that the field expansion would allow 6 practices and two games at once. Ms. Stacey Sauerberg of 25 Birch Road said that it was irresponsible to not look at the parking issue before expanding the field.

Ms. Swiatek responded to the questions presented this evening. She noted that the wetlands designation were performed by a licensed soil scientist and then mapped by a surveyor. She explained that the Town Plan is not cast in stone as a document, it is a work in progress. Mr. Conze said that even Ms. Smith concedes that expanding Casey Field is part of the Town Plan. It was noted that the management of parking and traffic within a park fell solely on the Parks & Recreation Commission and the Parks Department and that there must be management of the use of the field. Ms. Swiatek confirmed that the Park & Recreation Commission continues to monitor the parking situation and the uses within the park as per the conditions outlined in the Planning & Zoning Commission approval of the Land Filling and Regrading Application No. 111 issued a few months ago.

Mr. Spain added that it is more important to be concerned with safety than satisfying everyone who wants to use the park and that he believes that the Planning & Zoning Commission has narrow responsibility regarding conformance with the Town Plan of Development as part of this referral request.

Ms. Smith then asked whether maintaining open space is part of the Town Plan, whether maintaining public safety is part of the Town Plan and whether providing adequate parking is part of the Town Plan. Ms. Linda Goodyear then asked why there are proposals to expand Casey Field. Is it for older children or all children?

Ms. Swiatek responded there are lots of reasons to expand the field and the previous Land Filling and Regrading Application goes into those many reasons. It is for both older children and to have more space for young children to play. It also allows the rotation of the fields throughout the year to eliminate wear and tear.

There being no more questions or comments, Mr. Conze then made a motion to close the public hearing. That motion was seconded by Mr. Kenny and unanimously approved.

*GENERAL MEETING*

**Request under Condition "S" Business Site Plan #90-K, Pear Partners, 1077 Boston Post Road.**  
Request under Condition S of the Commission's February 3, 2004 Adopted Resolution for the third tenant to lease the remaining 1,800 square feet. The proposed tenant is Sweet Dreams, a retail use selling high-end table and bathroom linens, towels, bedding, baby clothing and related accessories.

PLANNING AND ZONING COMMISSION  
MINUTES  
PUBLIC HEARING/GENERAL MEETING  
JUNE 1, 2004  
PAGE 5

Mr. Tom Golden and Mr. Arthur Collins were present. They had submitted a letter for the Commission's review dated May 17, 2004 outlining a proposed high end sales use for the Darien Playhouse building. This use would be called Sweet Dreams and they plan to offer high-end table and bathroom linens, towels, bedding, baby clothing and related accessories. The Commission asked whether this retail use will strain the parking on site. All Commission members agreed that this was an appropriate use which is not higher than normal parking demand for retail use. Mr. Golden agreed that it is a very complimentary use. Mr. Conze then made a motion that no public hearing on this matter is necessary and that because of the specific type of use proposed, that the Commission approve it administratively. Mr. Kenny seconded that motion and it was unanimously approved.

**Interpretation of Condition "U" Business Site Plan #90-K, Pear Partners, 1077 Boston Post Road.**

Question/interpretation regarding marquee signage.

Mr. Keating noted that Condition U of the approval is very specific and allows the marquee signage to be about the movie theatre only. The developers of the project wish to change that. The marquee side views would remain unchanged. The sole area in question would be in the front center which now says "Darien Playhouse" in cast aluminum. It was then concluded that Mr. Golden on behalf of Pear Partners, LLC will first go to the Architectural Review Board for any marquee signage before returning to the Planning and Zoning Commission to discuss their desired change to the condition of approval.

**Amendment of Special Permit #39-K, St. Luke's Church, 1864 Boston Post Road.**

Request to install HVAC unit.

Mr. Keating explained that the request to install an HVAC unit is now before the Zoning Board of Appeals who continued the public hearing on that matter, and has not yet made a decision. Thus, there will be no action by the Planning & Zoning Commission at this time and they will wait for the ZBA and the Architectural Review Board to review the plans. It is expected that if approved by those boards, this proposal will come back before the Planning & Zoning Commission as an amendment of the Special Permit sometime in July.

**Amendment of Business Site Plan #135, Crystal Gardens, 934 Boston Post Road, CBD Zone.**

Informal discussion regarding potential tenants and a future ZBA application.

It was explained that this corner at the intersection of Tokeneke Road and Boston Post Road is very difficult. Mr. Gleason believed that it would be proactive to encourage businesses in downtown. Mr. Gleason explained that other adjacent retail uses on other properties can change tenants without variances. However, this site is the only one that has parking and yet still must go before the Zoning Board of Appeals. Mr. Gleason explained that he wants to get any proposed tenants out of the Zoning Board of Appeals hands and be subject to review solely by the Planning & Zoning Commission. It was acknowledged that if Mr. Gleason applied to the Zoning Board of Appeals now, they would have a hearing sometime in July and return to the Planning & Zoning Commission sometime in September. The Commission did indicate some support for a possible high end retail use that does not require many customers and many employees, however, no specific tenant is available.

PLANNING AND ZONING COMMISSION  
MINUTES  
PUBLIC HEARING/GENERAL MEETING  
JUNE 1, 2004  
PAGE 6

**Informal request regarding Robert Correa, 205 Boston Post Road (now Fence Factory).**

Informal request to modify the Zoning Regulations to allow retail uses such as dry cleaners within the Service Business East (SB-E) Zone.

Commission members then reviewed the May 13, 2004 letter from Robert J. Correa. Mr. Keating acknowledged that a proposed dry cleaner in the SBE Zone would need to have the zone changed to allow such a retail use. He then asked the Commission if it would be willing to propose changing the Zoning Regulations to allow such. It was the inclination of the Commission to not change the existing zoning for the SB-E Zone. Mr. Keating then acknowledged that in order to put a typical retail use with no external activity on this property would require a variance from the Zoning Board of Appeals.

**Requested Amendment of Flood Damage Prevention Application #151-C, James & Jodie Bishop, 22 Brush Island Road.**

Request to amend previous approvals by installing an underground propane tank within a regulated area.

The Commission members then reviewed the proposal to install an underground propane tank on the Bishop property at 22 Brush Island Road. They asked why the tank could not be placed in the garage. It was noted that the propane tank would be about 1,000 gallons and very large. They need a large tank to run the stove, to heat the pool and to operate the back up the generator. It was noted that the neighbors have no problems with an underground propane tank. Mr. Kenny said that he would prefer to have an above ground propane tank screened by shrubs. The Commission agreed that Mr. Bishop would need to provide a letter from an engineer and the Darien Fire Marshal ascertaining that the location of the propane tank would meet all local and state requirements.

**Discussion and deliberations regarding the following:**

- *Subdivision Application #604, Dana Arnold, 45 Phillips Lane.*

The Commission agreed that three large houses on these small properties would not be acceptable. They wished to review the January 2004 meeting minutes and noted that it would be better to have a conservation easement and it would keep the existing house on the center lot. They believed that the proposal made under the conservation subdivision was not protecting the neighborhood character. They said that three smaller houses would be adequate but would need certain restrictions along with them in order to fit in with the neighborhood. Commission members asked staff to provide from the file and the record of this matter a map of what would be allowed by right, a map of what would be allowed via a conservation subdivision and show an overlay of the two to allow the Commission to analyze this matter and make an informed decision.

- *Special Permit Application #73-B, Coastal Site Plan Review #192, Flood Damage Prevention Application #204, Darien Boat Club, Pear Tree Point Beach, 135 Pear Tree Point Road.*

Commission members agreed that the deck/ramp expansion was relatively straightforward, and asked staff to draft a resolution for consideration at the next meeting.

PLANNING AND ZONING COMMISSION  
MINUTES  
PUBLIC HEARING/GENERAL MEETING  
JUNE 1, 2004  
PAGE 7

- *Land Filling & Regrading Application #119, William & Trish Coleman, 134 Nearwater Lane.*

Mr. Kenny had concerns about the project as originally designed. It was noted that substantial changes had been made to the plans. The Commission agreed that staff should draft a resolution to approve the project as revised. This will be reviewed at the next meeting.

- *Special Permit Application #236, William & Carol Layfield d/b/a Melting Pot, Darien; 14 Grove Street.*

It was the belief of Commission members that this type of restaurant would be appropriate in this location, due to its many operational advantages. Staff will draft a resolution for review by Commission members.

- *Special Permit Application #60-G, Flood Damage Prevention Application #208, Land Filling & Regrading Application #121, Country Club of Darien, 300 Mansfield Avenue.*

It was noted that this is the application for pond dredging. Commission members had no major concerns regarding this project, and instructed staff to draft a resolution to approve it with conditions.

**Discussion of 2005 Town Plan of Conservation & Development**

Discussion of revised draft of Demographics Chapter.

At 10:30 P.M., Commission members briefly reviewed the revised version of the Demographics Chapter. It was acknowledged that staff has done a good job in revising the Chapter to make it more user-friendly. All agreed that minor wording changes may be needed, but overall, the style and format is appropriate. It was noted that one table in the Appendix is missing, and that there is a need to better integrate the tables and the figures within the text.

There being no other business, the Commission adjourned the meeting at 10:45 p.m.

Respectfully submitted,

David J. Keating  
Assistant Director of Planning & Zoning